Court No. 2

In the High Court of Uttaranchal at Nainital.

First Appeal From Order No. 131 of 2001.
(Old No. 386 of 1993)

(1)U.P. State Road Transport Corporation
through the Regional Manager, Dehradun.
(2)Sri Surendra Singh S/o Sri Om Pal Singh
C/o the Regional Manager, U.P. State Road Transport Corporation, Dehradun.

..... Defendant/Appellants.

Versus

(1)Smt. Chand Kaur wife of Sri Maha Singh
(mother of the deceased),
(2)Sri Maha Singh S/o Sri Net Ram
(father of the deceased),
both residents of village & P.O. Beri,
District Rohtak, Haryana.

.....Claimant/Respondents.

(3)Delhi Transport Corporation,
Indraprasth Depot through its
Chairman, New Delhi.
(4)Sri Shiv Raj Singh, driver,
Driver, D.T.C. Indraprasth Depot,
New Delhi.

.....Respondents.

Sri A.N. Sharma, learned counsel for the appellant-U.P.S.R.T.C.

.....

Dated: 20th Aug., 2004.

Hon'ble P.C. Verma,J.
Hon'ble B.S. Verma,J.

This appeal has been preferred by the appellants against the judgment and decree dated 22.12.1992 passed by the Motor Accident Claims Tribunal (*hereinafter referred to as the Tribunal*), Saharanpur (having jurisdiction to try the case at the relevant time) in Motor Accident Claim Case No. 190 of 1989.

Brief facts giving rise to the present appeal are that deceased Tej Singh was employed as Conductor in the Delhi Transport Corporation, Dehi and was attached at the time of the accident with Indra Prashtha Depot conducting bus on Delhi-Hardwar route therefrom. On 14.6.1989 he was on duty in D.T.C. bus No. DEP 9960 and when this bus went two furlongs ahead from Manglaur Police Station towards Delhi side bus No. UGO 9188, belonging to U.P.S.R.T.C., which was being driven rashly and negligently by its driver-respondent No.5 Surendra Singh, came from opposite side and collided against D.T.C. bus No. DEP 9960. It was alleged that bus No.DEP 9960 was also being driven rashly and negligently by its drier-respondent No.4 Shiv Raj Singh. As a result of accident Tej Singh suffered grievous injuries on his person. He was taken to J.N.S.M.Hospital, Roorkee and was declared dead by the attending Medical Officer there. He was drawing a monthly salary of Rs. 3378.29 at the time of accident and he was 35 years of age. Due to the death of deceased Tej Singh, the claimants had filed claim petition before the Tribunal for a sum of Rs. 8,00,000/- as compensation.

The Opp. Party –U.P.S.R.T.C. contested the case before the Tribunal. On the pleadings of the parties, the following issues were framed by the Tribunal:-

(1) Whether the accident was caused due to rash and negligent driving of bus No.UGO 9188 owned by respondent No.1 or bus No.DEP 9960 owned by respondent No.3 by their drivers? If so, its effect?

(2) Two what compensation, if any, and from whom are the petitioners entitled?

(3) Relief, if any?

The Tribunal decided all the issues in favour of the claimants and by impugned order, awarded the claim petition for Rs. 5,00,000/- alongwith interest at the rate of 6% per annum from the date of petition with costs against U.P.S.R.T.C.

The appellant- U.P.S.R.T.C. challenged the impugned award only on the point of quantum of compensation. We have gone through the entire material on record. The learned Tribunal while deciding issue No.1 held that the accident was caused due to rash and negligent driving of Bus No. UGO 9188 owned by Opp.party Nos. 1 & 2 and driven by Opp.party No.5 and, accordingly, they were held liable to pay compensation to the dependents of the deceased. We find that there is no illegality or infirmity in the order of learned Tribunal. The Tribunal has rightly calculated the amount of compensation on the basis of evidence led by the claimants.

Thus, in view of the findings recorded by the learned Tribunal, the compensation awarded is just and proper and the appeal filed by the appellant –U.P.S.R.T.C. has no force and is liable to be dismissed.

The appeal is dismissed accordingly. The order dated 22.12.1992 passed by the Tribunal is affirmed. No order as to costs.

(B.S.Verma,J.) **(P.C.Verma,J.)**

P.Singh